

### **REMARKS**

Claims 19-26 and 30-35 are pending in the application. By this Amendment, Claims 19, 34 and 35 are amended, Claims 1-18 and 27-29 are canceled as being drawn to a non-elected invention, and Claim 36 is canceled without prejudice or disclaimer of the subject matter therein. Favorable reconsideration is respectfully requested in light of the following Remarks.

1. The Office action rejects Claims 19-23, 25, 26 and 30-36 under 35 U.S.C. 102(b) over Sasaki et al. (U.S. Patent No. 5,378,247, hereinafter "Sasaki"). The rejection is respectfully traversed.

By this Amendment, independent Claim 19 specifies, *inter alia*, a fuel cell stack comprising at least one hollow manifold comprising a top wall and a bottom wall, each of the top and bottom walls including a sealed fuel passage for allowing fuel to enter and exit the at least one hollow manifold, wherein one of the top and bottom walls of said at least one hollow manifold extending between said fuel cell and said sealed fuel passage includes a compliant structure to accommodate strain therebetween. Support for this feature can be found, for example, in Paragraphs [0021] and [0028]-[0030] of the specification and illustrated in Figures 1, 2, 3, 6 and 7 of the drawings.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See MPEP §2131*. Contrary to the Office action that all of the elements of amended Claim 19 are disclosed in Sasaki, at least the feature of a hollow manifold in which one of the top and bottom walls extending between the fuel cell and the sealed fuel passage includes a compliant structure to accommodate strain therebetween, is not disclosed, taught or suggested in Sasaki, so the rejection is unsupported by the art and should be withdrawn. In Sasaki, the edge plates 27, 28 are not located between the fuel cell 1 and the holes 23a, 24a.

For at least this reason, independent Claim 19 is allowable over the applied art.

Claims 20-23, 25, 26 and 30-35, which depend from Claim 19, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

2. The Office action rejects Claims 19 and 24 under 35 U.S.C. 103(a) over Barnett et al. (U.S. Patent No. 5,770,327, hereinafter "Barnett") in view of Sasaki. The rejection is respectfully traversed.

According to MPEP §2143, to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Linter*, 458 F.2d 1013, 173 USPQ 560, 562 (CCPA 1972). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Finally, the applied reference must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

It is respectfully submitted that at least the feature of a hollow manifold in which one of the top and bottom walls extending between the fuel cell and the sealed fuel passage includes a compliant structure to accommodate strain therebetween, as recited in amended Claim 19, is not disclosed, taught or suggested in the applied art, taken singly or in combination.

For at least this reason, the Office action fails to establish a *prima facie* case of obviousness, and Claims 19 and 24 are allowable over the applied art, taken singly or in combination.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

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Should Examiner Chuo believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 07-0868 in the name of General Electric Company.

20 December 2007

Respectfully submitted,

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